

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Ralf P. Mueller

Group Art Unit: 3724

Serial No.: 10/565,871

Examiner: Alie, Ghassem

Filed: 07/27/2006

For: AXIALLY-DISPLACEABLE CUTTER AND CUTTING GAP ADJUSTMENT

Attorney Docket No.: 1401D-003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being sent via EFS to USPTO.GOV:

Date:

10-17-08

  
Signature

**Wendy Morgan**

*(type or print name of person certifying)*

**ELECTION REQUIREMENT AND AMENDMENT PURSUANT TO 35 U.S.C. 121**

Dear Sir:

This response addresses the Election/Restriction requirement dated August 21, 2008 with respect to the above-identified patent application.

I. **Examiner Telephone Interview and Election Requirement**

Applicants would like to thank Examiner Ghassem Alie for the time and courtesy extended to Applicant's Representatives David Zdurne during a telephonic Examiner's Interview conducted on October 17, 2008. In that interview, a proposed revision to the Restriction Requirement was discussed. The Examiner indicated that Restriction Requirement has been

revised to include a restriction between claims 41, 43, 44, 50-56, 68, and 69 and claims 76-82. On this basis, and without conceding the validity of the Restriction Requirement, Applicants elect with traverse, to proceed with claims 41, 43, and 44, 50-56, 68, and 69, drawn to a slicing machine for slicing food products and a method for axial displacement of a cutting blade during operation of a slicing machine. Accordingly, claims 76-82 have been withdrawn.

Applicants traverse the rejection on the grounds that a search of all of the asserted species is not unduly burdensome particularly when considering the likelihood that the different species likely fall within the same or very similar search classification. Applicants reserve the right to pursue divisional applications and request rejoinder of claims 76-82 if possible.

If the Examiner has any questions with respect to this communication, the Examiner is kindly urged to call the undersigned.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 10/17/08

Respectfully submitted,



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